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California Bank & Trust

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
EVANDER FRANK KANE,
Debtor.

Case No. 21-50028-SLJ
Chapter 7

**SEVENTH STIPULATION FOR ORDER
EXTENDING DEADLINE UNDER
BANKRUPTCY RULE 4007(c) TO FILE
COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT**

[No hearing required]

Hon. Stephen L. Johnson

1 **TO THE HONORABLE STEPHEN L. JOHNSON, UNITED STATES**
2 **BANKRUPTCY COURT, PARTIES IN INTEREST, AND THEIR COUNSEL:**
3

4 Evander Frank Kane, the Debtor in the above-captioned case (“Debtor”), on the one hand,
5 and Zions Bancorporation, N.A., dba California Bank & Trust (“Zions”), creditor herein, on the
6 other hand (collectively, the “Parties”), hereby stipulate and agree, through their respective
7 counsel, to the entry of a seventh order extending the deadline for Zions to file a complaint to
8 determine the dischargeability of debt previously set by court order at December 10, 2021, through
9 and including the date calculated as set forth in Paragraph 1 below.

10 **Recitals**

11 This stipulation is based on the following facts:

12 A. The Debtor filed his petition for relief under chapter 7 on January 9, 2021
13 (“Petition Date”).

14 **Section 523(a) Stay Order by the Court**

15 B. On or about November 19, 2021, this Court issued its *Order On Scheduling of*
16 *Pending Adversary Proceedings* as Dkt. No. 57 in Adversary Proceeding Case No. 21-05013 (the
17 Scheduling Order”), wherein the Court, among other things, bifurcated a number of pending
18 adversary proceedings currently pending against the Debtor into the various § 523(a) non-
19 dischargeability claims or causes of action against the Debtor, from all pending § 727(a) causes of
20 action seeking to avoid the Debtor's discharge, and tentatively concluded "*it would be in the*
21 *interests of judicial economy and the timely adjudication of disputes to move forward with the §*
22 *727(a) causes of action while putting on hold the § 523(a) actions.*" (Dkt.57, Case No. 21-05013)
23 (“Stay Order”).

24 **This Section 523(a) Extension Stipulation**

25 C. This stipulation addresses the potential claims being investigated by Zions against
26 the Debtor based on § 523(a), and is to extend the current filing deadline for such claims based on
27 the Court’s Stay Order. Zions, which, as of the Petition Date, had outstanding unpaid loans
28 extended to the Debtor, which have been scheduled by the Debtor at \$4,250,000.00, is

1 investigating whether it is appropriate to file an adversary proceeding to object to the discharge
2 under 11 U.S.C. § 727, or an adversary proceeding to determine non-dischargeability of debt
3 under 11 U.S.C. § 523(a). This stipulation does not address Zions' claims, if any, under § 727 (a),
4 which pursuant to the prior Orders of this Court detailed below, may be filed through and
5 including December 10, 2021.

6 **Prior Extension History**

7 D. April 5, 2021 was initially fixed as the last day for creditors to file a complaint to
8 determine the dischargeability of debt and/or to object to the debtor's discharge pursuant to
9 Bankruptcy Rules 4004(a) and 4007(c) (the "Bar Date").

10 E. On or about March 18, 2021, a *Stipulation for Order Extending April 5, 2021*
11 *Deadline Under Bankruptcy Rules 4004(a) and 4007(c) to File Complaint to Determine*
12 *Dischargeability of Debt and/or to Object to Discharge* was signed by the Parties and filed with
13 this Court as Dkt. No. 62 (the "First Stipulation"). On or about March 19, 2021, this Court, as
14 evidenced by Dkt. No. 66, entered its Order approving the First Stipulation.

15 F. On or about April 28, 2021, a *Second Stipulation for Order Extending Deadline*
16 *Under Bankruptcy Rules 4004(a) and 4007(c) to File Complaint to Determine Dischargeability of*
17 *Debt and/or to Object to Discharge* was signed by the Parties and filed with this Court as Dkt. No.
18 107 (the "Second Stipulation"). On or about April 28, 2021, this Court, as evidenced by Dkt. No.
19 108, entered its Order approving the Second Stipulation.

20 G. On or about May 17, 2021, a *Third Stipulation for Order Extending Deadline*
21 *Under Bankruptcy Rules 4004(a) and 4007(c) to File Complaint to Determine Dischargeability of*
22 *Debt and/or to Object to Discharge* was signed by the Parties and filed with this Court as Dkt. No.
23 137 (the "Third Stipulation"). On or about May 18, 2021, this Court, as evidenced by Dkt. No.
24 138, entered its Order approving the Third Stipulation.

25 H. On or about June 10, 2021, a *Fourth Stipulation for Order Extending Deadline*
26 *Under Bankruptcy Rules 4004(a) and 4007(c) to File Complaint to Determine Dischargeability of*
27 *Debt and/or to Object to Discharge* was signed by the Parties and filed with this Court as Dkt. No.
28 164 (the "Fourth Stipulation"). On or about June 11, 2021, this Court, as evidenced by Dkt. No.

165, entered its Order approving the Fourth Stipulation.

I. On or about July 26, 2021, a *Fifth Stipulation for Order Extending Deadline Under Bankruptcy Rules 4004(a) and 4007(c) to File Complaint to Determine Dischargeability of Debt and/or to Object to Discharge* was signed by the Parties and filed with this Court as Dkt. No. 187 (the "Fifth Stipulation"). On or about July 27, 2021, this Court, as evidenced by Dkt. No. 189, entered its Order approving the Fifth Stipulation.

J. On or about October 12, 2021, a *Sixth Stipulation for Order Extending Deadline Under Bankruptcy Rules 4004(a) and 4007(c) to File Complaint to Determine Dischargeability of Debt and/or to Object to Discharge* was signed by the Parties and filed with this Court as Dkt. No. 234 (the "Sixth Stipulation"). On or about October 13, 2021, this Court, as evidenced by Dkt. No. 236, entered its Order approving the Sixth Stipulation.

Further Section 523(a) Extension for Zions

K. The Parties have accordingly agreed that it makes sense to extend further the Zions' deadline to file an adversary proceeding against the Debtor under § 523(a), based on the Court's Stay Order.

Stipulation

1. WHEREFORE, the parties, through their respective counsel, stipulate and agree to the entry of a seventh order extending the Bar Date from Rule 4007(c) with respect to the filing of § 523(a) claims by Zions against the Debtor ("Bar Date") from December 10, 2021, through and including the earlier of (a) March 31, 2022, (b) the date which is 30 calendar days from the date on which Zions' counsel is served with an Order of this Court indicating that the "hold" on § 523(a) actions initially implemented via the Stay Order has been terminated or ended, or (c) the date which is 30 calendar days from the date on which the Debtor's counsel notifies Zion's counsel in writing that said "hold" on § 523(a) actions has been terminated by Court Order.

It is So Stipulated.

[Signatures on Next Page]

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DATED: December 6, 2021

FINESTONE HAYES LLP
STEPHEN D. FINESTONE

By: Stephen D. Finestone
STEPHEN D. FINESTONE
Attorneys for Evander Frank Kane, Debtor

DATED: December 6, 2021

FRANDZEL ROBINS BLOOM & CSATO, L.C.
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By: /s/ Reed S. Waddell
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